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OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 11, 2018, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2695

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY

This Bill proposes to amend the Kaua'i County Code 1987, as amended, by amending Chapter 19, Public Parks and Recreation, and Chapter 22, General Provisions Relating To Public Health, Safety And Welfare.

The purpose of this Bill is to regulate the use of "whips" by 1) amending Section 19-1.3, Kaua'i County Code 1987, as amended, to include definitions for "Weapon" and "Whip," 2) amending Section 19-1.4(a)(8), Kaua'i County Code 1987, as amended, to include "whips" as a prohibited item at parks or recreational facilities, and 3) establishing a new Article 26, Chapter 22, Kaua'i County Code 1987, as amended, entitled Unlawful Use, Carrying or Possession of Weapons on Public Grounds.

Bill No. 2697

A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY

This Bill proposes to amend Chapters 18, 20, and 23, Kaua'i County Code 1987, as amended, relating to Revocable Permits in County Designated Rights-of-Way.

The purpose of this Bill is to clarify the process and responsibilities for the permitting of vending on County-owned property.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov). Copies of these Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at its subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

**CERTIFICATE OF THE COUNTY CLERK**

I hereby certify that the foregoing Bills Nos. 2695 and 2697 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 14, 2018, by the following vote:

AYES: Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
RECUSED & NOT VOTING: None	TOTAL – 0.

Līhu'e, Hawai'i  
March 15, 2018

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAI'I, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – March 22, 2018)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND  
ESTABLISHING A NEW ARTICLE 26, CHAPTER 22,  
KAUAI COUNTY CODE 1987, AS AMENDED,  
RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to amend Chapter 19, Sections 19-1.3 and 19-1.4 and to establish a new Article 26, Chapter 22, Kauai County Code 1987 as amended, relating to whips and weapons on County property.

SECTION 2. Chapter 19, Section 19-1.3, Definitions, is hereby amended by adding a definition for "weapon" and "whip" to read as follows:

"Weapon" shall mean a device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.

"Whip" shall mean a pliant, flexible instrument, such as a flexible rod or thong or lash attached to a handle used for flogging or beating a person and or used to create a sharp "crack" sound for directing or herding animals. The definition of whip shall include all variations of whips, including but not limited to: bullwhip, stock whip, yard whip, cattle drafter, bullock-whip, Raman whip, Rose whip, Florida cow whip, signal whip, snake whip, equestrian whips, buggy whip, and Qilinbian."

SECTION 3. Chapter 19, Section 19-1.4, is hereby amended to read as follows:

"Sec. 19-1.4 General Prohibitions Applicable to All Parks and Recreation Facilities.

(a) No person at a park or recreation facility shall:

(1) Abandon any vehicle or other personal property. For the purpose of this section, "abandon" shall mean:

(A) Leaving a vehicle or other personal property unattended for more than twenty-four (24) hours;

(B) When a notice of abandonment is posted on a vehicle, failure to remove the vehicle, within twenty-four (24) hours, from the location where the notice was posted and from all highways and parks located within a one (1) mile radius of said location shall be deemed to be a continuation of the original abandonment.

(2) Operate or use any audio devices including radios, television sets, musical instruments or noise-producing devices such as electric generators, or other equipment driven by motors or engines, in such a manner and at such times that produces unreasonable noise as defined in HRS Chapter 711-1101, unless authorized by the Director or his/her designated representative on a permit.

(3) Use utilities and appurtenances for non-recreational, commercial, or other activities, unless authorized by the Director or designated representative on a permit.

(4) Install aerial or other special radio, telephone, or television equipment, unless authorized by the County Engineer or designated representative on a permit.

(5) Operate or use public address systems, whether fixed, portable or mounted on a vehicle, unless authorized by the Director or designated representative on a permit.

(6) Disturb or interfere with any other person occupying an area, or participating in any authorized activity.

(7) Lead or let loose any dogs or other domestic animals, unless authorized by the Director or designated representative on a permit.

(8) Use, carry, or possess whips, firearms, and weapons of any description, except for bows and arrows for archery competitions and air rifles for air rifle competitions when authorized by the Director or designated representative on a permit.

(9) Drive or park motorized vehicles, including dune buggies, motorcycles, minicycles, and scooters, or ride horses, except on designated roads and parking areas, unless authorized by the County Engineer or designated representative by signage or on a permit.

(10) Mark, deface, or remove any natural feature or natural resources.

(11) Destroy, injure, deface or remove in any manner any public building, sign, equipment, monument, marker or other structure.

(12) Destroy, dig or remove tree, shrub or other plant, unless authorized by the County Engineer or his/her designated representative on a permit.

(13) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, unless authorized by the County Engineer or designated representative on a permit, except for a prefab and manufactured quick tent no larger than twenty (20) feet by twenty (20) feet for an event or gathering.

(14) Start a fire except within designated grills, portable grills, and fireplaces. No fire shall be left unattended and all fires shall be fully extinguished after use.

(15) Throw or drop a lighted cigarette, cigar, pipe heel, match or other burning material, except to start a fire within designated grills, portable grills, and fireplaces as allowed in Paragraph (14) of this Subsection.

(16) Use roller skates, roller blades, skateboards, or bicycles except in designated areas authorized by the County Engineer or designated representative through signage.

(17) Dance on any gymnasium floor while wearing shoes, provided, that dancing with shoes shall be permitted if a protective covering over the floor is used.

(18) Dispose litter in other than designated trash receptacles.

(19) Operate or use air-horns, unless authorized by the Director or designated representative on a permit, or to start or end events or races. As used herein, air-horn means a device intended to produce a sound signal by means of compressed air or gas or exhaust gas.

(20) Dogs shall be permitted on the shared use path system provided, however, that dogs or other domestic animals shall not be allowed on the path system beginning at the makai end of Nalu Road (entrance to Lydgate Beach Park) to the end of the path system fronting Hikinaakala Heiau (see Exhibit A). The County Engineer shall post signs to designate the appropriate area where dogs are not allowed on the shared use path system. Any dog handler with a dog utilizing the shared use path system shall comply with the following:

(A) Be in command and control of dog at all times.

(B) Have no more than two (2) dogs under his or her control.

(C) Immediately remove his or her dog if it exhibits aggressive behavior.

(D) Visibly carry the necessary instruments required for the removal and disposal of dog feces.

(E) Pick up and dispose of any and all feces left by the dog.

(F) Have the dog wear at all times a valid current dog license tag that is clearly and visibly attached to the dog's collar.

(G) Have the dog on a leash that is no more than six (6) feet in length at all times. Retractable leashes shall not be allowed.

(21) Possess or consume any intoxicating liquor between the hours of 11:00 p.m. and 6:00 a.m.

(b) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

(c) The Police Chief and the Director, and designees ("authorized officials"), shall have the authority to issue citations and charges for any violations of the provisions of this Section. The Police Chief and designees may remove or cause to be removed any abandoned vehicle from a park or recreation facility and dispose of it in accordance with Chapter 290, HRS. The registered owner of the vehicle shall be liable for all reasonable expenses incurred by the removal.

(d) It shall be unlawful not to comply with any provision of this Section. Any person violating any provision of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) for the first offense. For the second violation of like offense, the punishment shall be a fine of not less than two hundred dollars (\$200.00). For all violations in excess of two (2) of like offense, the punishment shall be a fine of not less than three hundred

dollars (\$300.00) and not more than five hundred dollars (\$500.00). In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(e) As it is anticipated that Phase III A (Wailua to Papaloa, including Kawaihau Spur) will be completed by the Fall 2011, which will provide approximately one (1) additional mile of paved pathway, the Director of Parks and Recreation shall submit a report to the Council within eighteen (18) months of the approval of the ordinance codified in this Section, providing an evaluation of allowing dogs on the path. The report shall include, but not be limited to, any concerns, incidences of dog bites, citations, etc. At such time, the Council shall reassess the effectiveness of this Section which allows dogs on the path."

SECTION 4. Chapter 22, Kauai County Code 1987, as amended, is hereby amended by adding a new Article 26 as follows:

"ARTICLE 26. UNLAWFUL USE, CARRYING OR POSSESSION OF  
WEAPONS ON PUBLIC GROUNDS

Sec. 22-26.1 Definitions.

When used in this Article the following wording or phrase shall have the meaning given in this Section:

"Public grounds" means all grounds that are under the control and supervision of the County of Kaua'i, either by purchase, gift, or otherwise for the use and benefit of the public.

"Weapon" shall mean a device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.

"Whip" shall mean a pliant, flexible instrument, such as a flexible rod or thong or lash attached to a handle used for flogging or beating a person and or used to create a sharp "crack" sound for directing or herding animals. The definition of whip shall include all variations of whips, including but not limited to: bullwhip, stock whip, yard whip, cattle drafter, bullock-whip, Raman whip, Rose whip, Florida cow whip, signal whip, snake whip, equestrian whips, buggy whip, and Qilinbian."

Sec. 22-26.2 Prohibitions in Public Grounds.

No person at a public ground shall use, carry, or possess whips, firearms, and weapons of any description, except for bows and arrows for archery competitions and air rifles for air rifle competitions when authorized by the Director or designated representative on a permit.

Sec. 22-26.3 Violation—Penalty.

(a) Any person violating any provision of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) for the first offense. For the second violation of like offense, the punishment shall be a fine of not less than two hundred dollars (\$200.00). For all violations in excess of two (2) of like offense, the punishment shall be a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00).

In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(b) The Police Chief and authorized officials shall have the authority to issue citations and charges for any violations of the provisions of this Section."

SECTION 5. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or portion of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts.

SECTION 6. This ordinance shall take effect upon its approval.

Introduced by:

  
JOANN A. YUKIMURA



DEREK S.K. KAWAKAMI

DATE OF INTRODUCTION:

**March 14, 2018**

Līhu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2695, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 14, 2018, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
March 15, 2018



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i



**A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23,  
KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO  
REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose: The purpose of this bill is to clarify the process and responsibilities for the permitting of vending on County-owned property. The Council finds that under certain circumstances, vending on public property can have a benefit to economic development of our County and can provide for the revitalization of historic towns.

The Council further finds that the process for regulating vending should be clarified to distinguish vending between properties under the jurisdiction of the Department of Parks and Recreation and properties under the jurisdiction of the Department of Public Works, such as County rights-of-way. The Council further finds that given Act 115 of the 2013 Legislature now provides a permitting process for the State Department of Transportation to allow vending on State highways, the County now has the ability to issue similar revocable permits for limited vending within County rights-of-way, subject to terms of use and mitigation conditions to limit the impact to other users of County properties.

SECTION 2. Chapter 18, Kaua'i County Code 1987, as amended, is hereby amended by adding a new Article 5 as follows:

**"ARTICLE 5. VENDING FROM COUNTY RIGHTS-OF-WAY PROHIBITED**

Section 18-5.1 Restrictions.

(a) No person shall park or place a vehicle or structure wholly or partly on any County right-of-way for the purpose of selling therefrom or therein any article, service, or thing without a permit, thereby creating a hazardous condition or a public nuisance or in reckless disregard of the risk of creating a hazardous condition or public nuisance.

(b) The Department of Public Works may remove or require the immediate removal of the vehicle or structure from the right-of-way.

#### Section 18-5.2 Revocable Permit.

(a) The County Engineer, in the case of County rights-of-way, may, upon application in writing, approve a revocable permit pursuant to Chapter 20, Article 5, Kaua'i County Code 1987, as amended, subject to any terms and mitigation conditions imposed by the County Engineer or his designee, authorizing the applicant to vend in the right-of-way.

(b) If the revocable permit application includes temporary road closures, approval of the revocable permit by the Chief of Police is also required.

#### Section 18-5.3 Definition of "right-of-way."

For the purposes of this section, "right-of-way" means the entire width from property line to property line, including the berm, swale, or shoulder of a roadway owned and/or under the jurisdiction of the County of Kaua'i except those roadway areas under the jurisdiction of the Department of Parks and Recreation pursuant to Chapter 23, Article 3, Kaua'i County Code 1987, as amended.

#### Section 18-5.4 Enforcement and Penalty.

(a) In addition to or in lieu of any administrative actions and penalties issued pursuant to Chapter 20, Article 5, Kaua'i County Code 1987, as amended, any act prohibited under this Article shall be a traffic violation-level offense that is subject to the penalties and procedures provided for in Chapter 16, Article 21, Kaua'i County Code 1987, as amended, and Hawai'i Revised Statutes Chapter 291D.

(b) Any person convicted of violating this Article shall be fined five hundred dollars (\$500) per offense.

(c) Each day a violation continues may be counted as a separate offense."

SECTION 3. Chapter 18, Article 1, Section 18-1.2, Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 18-1.2 Restricted Uses.

The County Council may, if it deems necessary for the purpose of preserving the public health, safety and welfare, restrict the following uses of any road, street and highway under its jurisdiction by prohibiting:

(a) Use of a loud speaker or sound amplifier for projection of sound from any vehicle.

(b) Use by a commercial vehicle or by specific types of vehicles or by vehicle weight, load or size.

(c) Use for commercial, business, or other income motivated purpose for private gain or charitable ~~[purposes.] purposes, unless a revocable permit is issued by the Finance Director and approved by the County Engineer pursuant to Chapter 20, Article 5 of this code.~~

(d) Use for processions or assemblages.”

SECTION 4. Chapter 18, Article 1, Section 18-1.4, Kaua‘i County Code 1987, as amended, is hereby amended as follows:

“Sec. 18-1.4 Penalties.

Any person convicted of violating any restrictive use set by resolution of the Council pursuant to this Article shall be subject to the penalties provided for in [Section 16-21.8] Section 16-21.6 of the Kaua‘i Traffic Code.”

SECTION 5. Chapter 20, Article 5, Section 20-5.2, Kaua‘i County Code 1987, as amended, is hereby amended as follows:

“Sec. 20-5.2 Exceptions to Bidding Requirement.

The Finance Director may grant revocable permits approved by the County Attorney as to form and legality, without calling for public bids, when:

(a) The intended use does not conflict with use for immediate public purposes; and

(b) There is no reasonable alternative other than the use of public property; and

(c) The proposed use does not create a nuisance or unreasonably affect public health or welfare; and

(d) There is no conflicting request for use of the particular public [property; and] property.

[(e) The revocable permit shall be limited to a month-to-month basis or less.]”

SECTION 6. Chapter 20, Article 5, Section 20-5.3, Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 20-5.3 [Rental.] Rental and Application.

(a) For use by nonprofit organizations or governmental agencies for public purposes, the rental shall be one dollar (\$1.00) per month. "Nonprofit organization" is defined to mean an association, corporation, or other entity organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income, or earnings of which inures to the benefit of any individual or member thereof.

(b) For use by others, the rental shall be the fair market rental value as [jointly] established by the Finance Department [and the Department of Public Works], or at the option of the user, the rental shall be the fair market rental value as established by a disinterested appraiser paid for by the user and approved by the Finance Department.

(c) Improvements to be made by the user that will benefit the County after the permit expires may be considered in establishing the rent. However, improvements constructed shall be at the risk of the user and no damages or claims shall be payable to the user upon termination of the permit.

(d) When bidding is not required pursuant to Section 20-5.2, Kaua'i County Code 1987, as amended, a rental fee shall not be assessed for properties designated as a County public right-of-way.

(e) The user shall execute an agreement with the County specifying the terms of the use of the property and any mitigation that may be required by any of the County's agencies. For properties under the jurisdiction of the Department of Public Works, the County Engineer shall also review and approve the revocable permit.

(f) Unless the event is sponsored by the County of Kaua'i, each application for a revocable permit pursuant to this part shall be assessed a non-refundable application fee of one hundred dollars (\$100.00).

(g) Revocable permits issued under this section shall be revocable on notice of thirty (30) days or less and shall not exceed a period of one year."

SECTION 7. Chapter 20, Article 5, Kaua'i County Code 1987, as amended, is hereby amended by adding new sections 20-5.5, 20-5.6, and 20-5.7 as follows:

“Sec. 20-5.5 Penalties and Enforcement.

(a) Any activities performed without a permit, beyond the scope of a permit, or not in compliance with a permit shall be a traffic infraction-level offense subject to the penalties and procedures provided for in Chapter 18, Article 5, and Chapter 16, Article 21, Kaua‘i County Code 1987, as amended, and Chapter 291D, Hawai‘i Revised Statutes.

(b) In addition to or in lieu of any penalties pursuant to Chapter 18, Article 5, and Chapter 16, Article 21, Kaua‘i County Code 1987, as amended, and Chapter 291D, Hawai‘i Revised Statutes, the Director of Finance may suspend or revoke a permit that was issued under the provisions of this Article whenever:

(1) the permit was issued based on incorrect information supplied;

(2) any activities are not being performed in accordance with the terms and provisions of the permit;

(3) it is determined that the permittee had not complied with this Article or any provision of any other applicable law, ordinance, rule, or regulation of the State of Hawai‘i or the County of Kaua‘i;

(4) whenever the activities are deemed unsafe as determined by the Director of Finance; or

(5) the circumstances under which the permit was considered have substantially changed as determined by the Director of Finance or authorized representative.

(c) Where a permit is suspended or revoked for any reason, there shall be no refund of any permit fee.

Sec. 20-5.6 Administrative Appeals.

Within thirty (30) days of service, decisions to approve, deny, suspend, revoke, or modify a permit may be appealed in accordance with rules of practice and procedure established pursuant to Chapter 91, Hawai‘i Revised Statutes.

Sec. 20-5.7 Rulemaking Authority.

Pursuant to Chapter 91, Hawai‘i Revised Statutes, the Director of Finance may promulgate rules to carry out the purposes of this Article.”

SECTION 8. Chapter 23, Article 3, Section 23-3.2, Kaua'i County Code 1987, as amended, is hereby amended as follows:

"Sec. 23-3.2 Definitions.

When used in this Article the following words or phrases shall have the meaning given in this Section unless it shall be apparent from the context that a different meaning is intended:

"Concession" means the grant to a private individual, partnership or corporation of the privilege for a fee to conduct operations essentially retail in nature, involving the sale and/or rental of goods, services, wares, novelties or any merchandise to consumers in or on land or structures owned or controlled by the [County of Kaua'i.] Department of Parks and Recreation.

"Concession stands" mean structures owned or controlled by the County of Kaua'i which uses are granted to private individuals, partnerships, or corporations for a fee to conduct operations essentially retail in nature involving the sale and/or rental of goods, services, wares, novelties, or any merchandise to consumers.

"Concessionaire" means a private individual, partnership, or corporation that has been granted the privilege for a fee to conduct operations essentially retail in nature involving the sale and/or rental of goods, services, wares, novelties, or any merchandise to consumers in or on land or structures owned or controlled by the [County of Kaua'i.] Department of Parks and Recreation.

"Peddler" means a person or persons in the business of traveling about carrying goods, wares, food, or merchandise for sale and/or rental to consumers, or any person traveling about selling, renting, or offering for sale, or rent, soliciting orders for or inviting attention to or promoting in any manner whatsoever, directly or indirectly, goods, wares, merchandise, foodstuffs, refreshments, or other kinds of property or services, or to distribute commercial handbills, or carry on or conduct any commercial promotional scheme, advertising programs, or similar activity, or any person or persons in business of delivering food, foodstuffs, or refreshments to consumers at a place other than the peddler's fixed place of business, or any person or persons in the business of traveling about to deliver food, foodstuffs, or refreshments to consumers, or any person or persons engaged in the business or service of providing sport or recreational activities or rental of equipment therefor for commercial gain on either a fee basis or a donation in lieu of a fee and activities associated therewith, including but not limited to loading and unloading of passengers, transporting passengers, parking, or traversing over and through County parks.

“Peddling” means the carrying on of business by a peddler.”

SECTION 9. Chapter 23, Article 3, Section 23-3.5, Kaua‘i County Code 1987, as amended, is hereby amended as follows:

“Sec. 23-3.5 Peddling Prohibition; Prima Facie Evidence.

(a) It shall be unlawful to violate any of the rules and regulations adopted pursuant to Sec. 23-3.3.

(b) It shall be unlawful to engage in peddling without a valid peddler’s license in the peddler’s possession, or to operate at a location not authorized thereby, or to transfer a peddler’s license to another, or to alter or possess an altered peddler’s license.

(c) Peddling shall be unlawful without a permit issued by the Director of Parks and Recreation within County parks, playgrounds, beaches, roads, parking lots, and other facilities[, or on or alongside roads, parking lots or other] and areas subject to, or adjacent to, facilities under the jurisdiction of the [County and abutting thereto.] Department of Parks and Recreation, including unpaved roadway areas adjacent to parks.

(d) Peddling shall be unlawful without a permit issued by the Director of Parks and Recreation in any area subject to [County] Department of Parks and Recreation jurisdiction between the ocean and the abutting property line, including, but not limited to, parking lots and County parks on the island of Kaua‘i.

(e) Prima Facie Evidence; Peddling. The presence of a peddler without a permit issued by the Director of Parks and Recreation in any areas described in either Subsection (c) or (d) of this Section, with the peddler’s or his/her employer’s goods, wares, novelties, merchandise, foodstuffs, refreshments, or other property or services shall constitute prima facie evidence of peddling, in violation of said Subsection.”

SECTION 10. If any provision of this ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 11. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kaua‘i County Code, 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 12. This ordinance shall take effect upon approval.

Introduced by:

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line and a small mark.

DEREK S.K. KAWAKAMI

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small mark.

ROSS KAGAWA

DATE OF INTRODUCTION:

**March 14, 2018**

Līhu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2697, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 14, 2018, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
March 15, 2018

  
Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i